

REMARKS

Claims 1-28 are pending in the present application and stand rejected. No amendments to the Claims 1-28 as originally filed have been submitted herein.

In the Office Action mailed on March 8, 2007, Claims 1-2, 4-9, 14, 20-21, 25 and 27 are rejected under 35 USC § 103(a) as being unpatentable over US Pat. No. 5,567,860 B1 to Maxwell et al. (hereinafter referred to as "Maxwell") in view of US Pat. No. 6,681,323 to Fontanesi et al. (hereinafter referred to as "Fontanesi"). Claims 3, 21 and 26 are rejected under 35 USC § 103(a) as being unpatentable over Maxwell and Fontanesi as applied to Claim 2 and further in view of US Pat. No. 6,832,379 to Zeryck et al. (hereinafter referred to as "Zeryck"). Claims 10-13 are rejected under 35 USC § 103(a) as being unpatentable over Maxwell and Fontanesi as applied in Claim 5 and further in view of US Pat. No. 6,098,097 to Dean et al. (hereinafter referred to as "Dean"). Claims 15-19, 24 and 29 are rejected under 35 USC § 103(a) as being unpatentable over Maxwell and Fontanesi as applied in Claim 14 and further in view of US Pat. No. 6,934,956 to Allen ("Allen"). Applicants respectfully traverse the foregoing rejections based on the following remarks.

Claims 1-2, 4-9, 14, 20-21, 25 and 27

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). Applicants respectfully submit that the combination of Maxwell and Fontanesi fails to teach or suggest all of the limitations recited in independent Claims 1, 20 and 25.

Maxwell teaches "an apparatus and method for automating the addition of a device driver for a newly installed device for which an existing Operating System may not be configured." (5: 55-60). The invention taught in Maxwell (called an "add-device tool") is invoked in response to the

addition of the new device that requires the installation of a new driver for the added device. (5: 61-64). Once invoked, a GUI (graphical user interface) is displayed for facilitating the process (6: 6-9). File names necessary for making the appropriate modifications of the current version of the OS are entered by the user through the GUI (6: 16-20), and the user then initiates the OS modification process by clicking on a button that is part of the GUI (7:5-9). The add-device tool then proceeds to make the necessary modifications to the operating system ("OS") using the files identified by the entered file names (7: 5-9). When the modified OS is reinstalled, it will load the new driver and establish communication with the newly installed device (4: 3-8).

Maxwell further teaches that the add-device tool and its GUI are intended to be invoked under control of a distributed software management system such as the Platinum Auto-Configure System, which is used to help system managers perform operations such as performing upgrades on (e.g. adding new drivers to) the OS running on numerous client computers coupled together and to the software management system over a network such as local area network (LAN) (2: 55-61 and 4: 66 - 5: 12). Thus, the add-device tool is intended to be invoked from a computer system running the software management system so that the modified OS can be distributed to a plurality of client computers coupled over such a network.

In contrast, the present invention teaches a method and apparatus by which a purveyor of computer systems can get the attention of a user who has just installed an OS on one of the purveyor's systems by generating and displaying an information screen at the moment that the user initiates a log in experience on the computer system. This information screen is intended to inform or remind the user at the most opportune time (i.e. immediately upon the user's initiation of log in experience after installation of the current version of the OS) that upgrades (e.g. additional device drivers) are available that did not exist at the time the development of the current version of the OS

was completed. This reminder/notification is generated automatically, without any conscious intervention by the user other than that the user has initiated a log in process with the system after first installing the OS. Moreover, because the information screen is generated upon initiation of a log in process, the visibility of the display screen is maintained over the potentially numerous additional display screens that are likely to be generated subsequent to the information screen during the log in experience to ensure that the user sees the information screen and has an opportunity to act on it.

Unlike the teachings of Maxwell, the present invention does not perform or facilitate the actual installation of the upgrades other than to remind/notify the user that such an upgrade is available and should be installed. Indeed, the teachings of Maxwell could actually be used in conjunction with the present invention without any overlap in functionality whatsoever. In such a scenario, the present invention could be used to notify/remind the user of the availability of upgrades in the form of device drivers upon initiation of the log in process after installing the OS on a new system, and the invention taught by Maxwell could then be invoked by the user to actually install those drivers and even distribute the modified OS to other client computers that may also benefit from the upgrade. This complete lack of overlap in functionality between Maxwell and the present invention is underscored by the fact that numerous limitations of the claims of the present invention are not taught by Maxwell as outlined below.

It is asserted in the above-referenced Office Action that:

"Maxwell discloses a method of displaying a vendor provided information screen in response to a login experience, said method comprising: executing the screen driver upon initiation of the log in experience,..."

Applicants respectfully disagree. Nowhere within the four corners of the Maxwell reference is it taught that a vendor provided information screen is displayed in response to a log in experience, nor does Maxwell teach that such a screen be displayed by executing a screen driver upon initiation of the log in experience. Maxwell instead teaches that the GUI of the add-device tool is displayed to the user when the add-device tool is invoked. Maxwell teaches that the add-device tool is a separate utility that is invoked within the context of a distributed software management system. This type of system is designed to help centralize the process of updating software, including the OS, running on many computers employed by an enterprise. Maxwell instructs that the add-device tool is invoked by a user through the software management system when a user wishes to update an existing version of the OS by adding a new driver in response to the installation of a new device within one or more computers. Maxwell does not teach or even suggest that the add-device-tool (including its GUI) is or can be invoked upon initiation of a log in experience.

The above-identified recitations in independent Claims 1, 20 and 25 are wholly missing in the teachings of Maxwell and are significant because they are directly correlated with the distinctly different functions of the present invention and the teachings of Maxwell. Maxwell teaches a method for facilitating the installation of a new driver, a process initiated by the user because the user is aware of the need for the new driver, whereas the present invention is designed to remind or inform the user, at the time the user initiates a log in, that such an upgrade exists and should be installed.

In addition, the above-referenced Office Action maintains that Maxwell discloses:

"providing a screen driver to the OS during the installation (6:5-30);"

While it might be *presumed* that a screen driver is provided to the OS for purposes of displaying the GUI of the add-device tool of Maxwell, there is no express teaching of this element of the claimed invention in Maxwell. More importantly, when viewing Claims 1, 20 and 25 as a whole, it is *this particular* screen driver that is executed upon initiation of the log in experience as discussed above. For the reasons set forth above, there is no suggestion in Maxwell that a screen driver that *may* have been provided to the OS at the time of its installation for purposes of displaying the add-device GUI is actually one executed upon initiation of a log in experience.

The above-referenced Office Action further maintains that Maxwell discloses:

“maintaining visibility of the information screen over subsequently generated display screens until occurrence of a predetermined event (6:5-30);”

Applicants respectfully disagree. Maxwell teaches nothing about maintaining the visibility of the information screen (i.e. the GUI of its add-device tool) over subsequently generated display screens, either in the cited portion of the text or any other part of the patent document. This is not surprising given that Maxwell does not teach that a screen driver for the GUI of its add-device tool be executed upon initiation of the log in experience as discussed above. As previously discussed, the most opportune time for generation of the information screen of the present invention is upon initiation of a log in by a user once the user has installed the OS. However, many screens will likely be generated during a log in experience that can bury the information screen because maintaining the visibility of one screen over others subsequently generated is not the default paradigm for a Windows based operating system.

In contrast, Maxwell teaches that the GUI of its add-device tool is being displayed at the time that the add-device tool is invoked, which occurs when a user intends to install a new driver within a current version of the OS running on one or more systems to which the new device is

installed. As would be recognized by those of skill in the art, invoking an add-device tool from a software management system by which a driver is added to an existing version of an OS would not likely occur during or upon initiation of a log in experience. A user's ability to launch a program such as a software management tool, or even the add-device tool utility on its own, would almost certainly be predicated on the user having successfully logged into the system first.

Thus, the GUI of Maxwell would not be competing for display priority with numerous subsequently generated screens that are generated automatically during a log in experience. This would be true even if the add-device tool is invoked from the same system as the one requiring the upgrade. Therefore, unlike the claimed invention, there is no motivation within the context of the teachings of Maxwell to take the steps necessary to temporarily suspend the default Windows-based paradigm of prioritizing the display of the most recently generated screen to maintain the GUI on top of any screens that may be subsequently generated.

It also follows logically that there is no teaching in Maxwell regarding maintaining the visibility of the information screen over others subsequently generated until occurrence of a predetermined event. If there is no teaching that the default Windows paradigm should be overridden in the first place, logically there would be no need to teach a return to the default paradigm based on some predetermined event.

Finally, it is stated in the above-referenced Office Action that Maxwell discloses:

"completing the log in experience (FIG. 6, 614)."

Applicants respectfully submit that for Exit block 614 of the process illustrated by the flow diagram of FIG. 6 to be descriptive of the termination of a log in experience, the process illustrated in FIG. 6 must itself be representative of a log in process. Maxwell describes FIG. 6 as a "flow-chart of the general operation of the method of the current invention" (3:66-67). The method of

the invention as taught by Maxwell is a “method for automating the addition of a device driver for a newly installed device for which an existing Operating System may not be configured.” (5:55-60). Nowhere in Maxwell is the actual method of the invention taught to be a log in experience, let alone that the method is initiated in response to a log in experience as discussed above. In fact, Applicants are unable to find a single reference to a log in experience within the four corners of the Maxwell reference. While Applicants concede that virtually all computer systems provide a log in experience of some kind or another, Maxwell does not teach or even suggest that the method of the invention disclosed therein *is* a log in experience, any more than it teaches that the GUI of the add-device tool is displayed upon initiation of a log in experience.

Fontanesi discloses a method and system for automatically installing an initial configuration onto a computer (1:63-65). While this includes the initiating and completing of an installation of an OS, there is no teaching that a screen driver be provided to the OS during that installation, that the screen driver be executed upon initiation of a log in experience to display an information screen, that visibility of the information screen be maintained contrary to the default paradigm of displaying the most recently generated screen above those previously generated screens, that such visibility be maintained until occurrence of a predetermined event, and that the log in experience be completed.

Because the combination of Maxwell and Fontanesi fails to disclose several of the limitations recited by independent Claims 1, 20 and 25 as illustrated above, Applicants respectfully submit that a *prima facie* case of obviousness under 35 USC § 103(a) has not been established with respect to any of the independent Claims 1, 20 or 25 as originally filed in the present application.

With respect to currently pending dependent Claims 2, 4-9, 14, 21 and 27, Applicants respectfully point out that if an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir.

1988). Because Claims 2, 4-9, 14, 21 and 27 depend from one of the independent Claims 1, 20 or 25, in view of the foregoing remarks successfully traversing the rejection of Claims 1, 20 and 25, the rejection of Claims 2, 4-9, 14, 21 and 27 under 35 USC § 103(a) based on the combination of Maxwell and Fontanesi is also traversed.

Claims 3, 21 and 26

With respect to currently pending dependent Claims 3, 21 and 26, Applicants respectfully point out that if an independent claim is nonobvious under 35 U.S.C. § 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Because Claims 3, 21 and 26 depend from independent Claims 1, 20 and 25 respectively, in view of the foregoing remarks successfully traversing the rejection of independent Claims 1, 20 and 25, the rejection of Claims 3, 21 and 26 under 35 USC § 103(a) based on the combination of Maxwell, Fontanesi and Zeryck is also traversed.

Claims 10-13

With respect to currently pending dependent Claims 10-13, Applicants respectfully point out that if an independent claim is nonobvious under 35 U.S.C. § 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Because Claims 10-13 depend from independent Claim 1, in view of the foregoing remarks successfully traversing the rejection of independent Claim 1, the rejection of Claims 10-13 under 35 USC § 103(a) based on the combination of Maxwell, Fontanesi and Dean is also traversed.

Claims 15-19, 24 and 29

With respect to currently pending dependent Claims 15-19, 24 and 29, Applicants respectfully point out that if an independent claim is nonobvious under 35 U.S.C. § 103, then any

claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Because Claims 15-19, 24 and 29 depend from one of the independent Claims 1, 20 or 25, based on the foregoing remarks successfully traversing the rejection of independent Claims 1, 20 and 25, the rejection of Claims 15-19, 24 and 29 under 35 USC § 103(a) based on the combination of Maxwell, Fontanesi and Allen is also traversed.